



J.C. Switzer

VIA HAND DELIVERY SEPTEMBER 8, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LaFleur, et al.

Application Number: 09/938,671

Group Art Unit: 1634

Filed: August 27, 2001

Examiner: J.C. Switzer

Title: 36 Human Secreted Proteins

Atty. Docket No. PZ022P1C2

TRANSMITTAL REGARDING ERROR IN
ASSERTIONS MADE UNDER 37 C.F.R. § 1.821

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above captioned application (No. 09/938,671, filed on August 27, 2001) is a continuation of Application No. 09/739,907, filed December 20, 2000 (now abandoned), which is a continuation of Application No. 09/348,457, filed July 7, 1999 (now abandoned).

It has come to the attention of the undersigned that Application No. 09/348,457 appears to have been filed with only a partial paper copy of the Sequence Listing. In particular, the Sequence Listing header information indicates that 196 sequences should be present. However, the paper copy of the Sequence Listing in Applicants' file only contains SEQ ID NO:s 1 to 151. Thus, it appears that a complete paper copy of the sequence listing was not filed in Application No. 09/348,457 on July 7, 1999. Applicants also note that the incomplete paper copy of the Sequence Listing in Applicants' 09/348,457 file was subsequently submitted as the paper copy in continuation application Nos. 09/739,907 (filed December 20, 2000) and 09/938,671 (filed on August 27, 2001).

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In contrast, however, the computer readable form (CRF) of the Sequence Listing, as originally filed in Application No. 09/348,457 on July 7, 1999 does contain all SEQ ID NOs:1-196. This CRF was relied on in providing an electronic copy of the Sequence Listing for continuation Application No. 09/739,907, filed December 20, 2000. This CRF was also relied on in providing the electronic copy of the Sequence Listing for continuation Application No. 09/938,671, filed August 27, 2001, which subsequently published as Publication No. 2004/0002066 A1 with all 196 sequences present.

Hence, Applicants note that statements made under 37 C.F.R. § 1.821 in Application Nos. 09/348,457, 09/739,907, and 09/938,671, were incorrect in indicating that the submitted paper copy of the Sequence Listing and the CRF copy was identical.

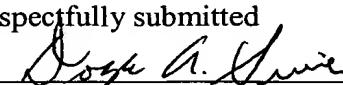
This discrepancy has been corrected in a continuation of Application No. 09/938,671, filed on the same day as this transmittal is being submitted. This submission includes a new paper copy of the sequence listing, a new computer readable form, and a statement under 37 C.F.R. § 1.821(f).

The undersigned believes that any duty to disclose errors in statements made under 37 C.F.R. § 1.821 to the Patent and Trademark Office has been satisfied by the above explanation and disclosure.

Should the Examiner wish applicants to take any other action, or if the Examiner has any questions or concerns, please contact the undersigned.

Date: Sept 8, 2004

Respectfully submitted


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